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ITSI GILBANE COMPANY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Gilbane Federal f/k/a ITSI Gilbane
Company, a California corporation,

Plaintiff,

vs.

United Infrastructure Projects FZCO, a
foreign corporation; United Infrastructure
Projects SAL (Offshore) Lebanon, a foreign
corporation; and United Infrastructure
Projects Djibouti SARL, a foreign
corporation.

Defendants.

Case No. 3:14-cv-03254-VC

**STIPULATION IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONTINUE TRIAL DATE AND STAY
CASE PENDING MEDIATION
AND ORDER AS MODIFIED**

Pursuant to Rule 7-12 of the Civil Local Rules of the Northern District of California, Plaintiff Gilbane Federal f/k/a ITSI Gilbane Company and Defendants United Infrastructure Projects FZCO, United Infrastructure Projects SAL (Offshore) Lebanon and United Infrastructure Projects Djibouti SARL hereby submit the following stipulation and request for enlargement of trial and pretrial deadlines and for a limited stay of the lawsuit pending mediation.

After meeting and conferring to identify a mediator with construction experience, and with the assistance of the Court's ADR Unit, Richard Warren has been appointed as a mediator. However, because of Mr. Warren's schedule, mediation cannot occur until the first two weeks of

1 October 2015. The parties intend to engage in the limited exchange of documents in advance of
2 mediation, but otherwise do not wish to incur additional litigation costs in the interim, which
3 would frustrate the possibility of settlement. Nor do the parties wish to compress pretrial
4 preparation into a short period of time at the end of 2015. Accordingly, the parties respectfully
5 request that the Court issue a revised scheduling order that extends the trial and pretrial deadlines
6 by approximately three months, which is roughly equal to the difference between when mediation
7 was originally scheduled to occur (in July 2015) and when it will actually occur (in October
8 2015).

9 In addition, the parties request that the case be stayed pending mediation, with a limited
10 exception: that any party may apply to the Court for an order compelling production of
11 documents under FRCP 34 to the extent that the parties have agreed in writing to produce certain
12 categories of documents voluntarily in advance of mediation. In any such case, any motion to
13 compel production of documents shall not exceed five pages, and any opposition brief shall not
14 exceed five pages. No reply brief shall be permitted. If, by July 1, 2015, the parties fail to reach
15 agreement with respect to the limited categories of documents to be voluntarily produced prior to
16 mediation, the parties may pursue any discovery allowed under FRCP 34, but the stay shall
17 remain in place in all other respects through mediation.

18 Following completion of mediation, the stay shall be lifted and litigation may proceed in
19 accordance with the Federal Rules of Civil Procedure and the Court's April 21, 2015 scheduling
20 order. But it should be noted that Gilbane no longer intends to file a motion to disqualify
21 Defendants' counsel. Also, the parties note that although they requested a two-week trial in their
22 joint case management conference statement, the Court ordered that trial be completed in four
23 days. The parties request that the Court consider a compromise of allowing 7 court days for trial.
24 Below is the parties' proposed amended pretrial and trial schedule:

25 Initial Expert Discovery: Due February 2, 2016

26 Rebuttal Expert Discovery: Due March 2, 2016

27 Close of Expert Discovery: Due April 5, 2016

28 Close of Fact Discovery: Due April 5, 2016

Dispositive Motion Hearing: Set for May 5, 2016 at 10:00 a.m. in Courtroom 4

Final Pretrial Conference: Set for July 11, 2016 at 1:30 p.m. in Courtroom 4

Jury Selection: Set for July 27, 2016 at 8:30 a.m.

Jury Trial: Set for August 1, 2016 ~~through August 4, 2016, and August 8, 2016 through August 10, 2016~~ at 8:30 a.m. in Courtroom

4. The length of trial will be determined at the pretrial conference.

(The parties note that the issue of whether the trial shall be a jury trial is one that is still pending and that the Defendants may file a motion on the issue).

Dated: June 5, 2015

VARELA, LEE, METZ & GUARINO, LLP

By: /s/ Nicholas A. Merrell
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Attorneys for Plaintiff Gilbane Federal f/k/a ITSI
Gilbane Company

Dated: June 5, 2015

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United Infrastructure Projects FZCO,
United Infrastructure Projects SAL (Offshore) Lebanon
and United Infrastructure Projects Djibouti SARL

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: June 12, 2015

The Honorable

